



General Assembly

**Substitute Bill No. 7139**

January Session, 2007

\* \_\_\_\_\_ HB07139GL \_\_\_\_\_ 030907 \_\_\_\_\_ \*

**AN ACT INCREASING PENALTIES FOR THE SALE OF CIGARETTES  
OR TOBACCO PRODUCTS TO MINORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-295a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) If the Commissioner of Revenue Services finds, after a hearing,  
4 that a minor has purchased cigarettes or tobacco products, said  
5 commissioner shall assess such minor a civil penalty of not more than  
6 [fifty] one hundred dollars for the first violation and not more than one  
7 hundred fifty dollars for any second or subsequent offense.

8 (b) If said commissioner finds, after a hearing, that any person  
9 employed by a dealer or distributor, as defined in section 12-285, has  
10 sold, given or delivered cigarettes or tobacco products to a minor other  
11 than a minor who is delivering or accepting delivery in his capacity as  
12 an employee, said commissioner shall assess such person a civil  
13 penalty of [one] two hundred dollars for the first violation and [one]  
14 two hundred fifty dollars for a second or subsequent violation within  
15 eighteen months.

16 (c) If said commissioner finds, after a hearing, that any dealer or  
17 distributor has sold, given or delivered cigarettes or tobacco products  
18 to a minor other than a minor who is delivering or accepting delivery

19 in his capacity as an employee, or such dealer or distributor's  
20 employee has sold, given or delivered cigarettes or tobacco products to  
21 such minor, said commissioner shall assess such dealer or distributor a  
22 civil penalty of [two hundred fifty] three hundred dollars for the first  
23 violation and [five hundred] seven hundred fifty dollars for a second  
24 violation within eighteen months. For a third violation within eighteen  
25 months, such dealer or distributor shall be assessed a civil penalty of  
26 [five hundred] seven hundred fifty dollars and any license held by  
27 such dealer or distributor under this chapter shall be suspended for  
28 not less than thirty days.

29 (d) If said commissioner finds, after a hearing, that any owner of an  
30 establishment in which a cigarette vending machine or restricted  
31 cigarette vending machine is located has sold, given or delivered  
32 cigarettes or tobacco products from any such machine to a minor other  
33 than a minor who is delivering or accepting delivery in his capacity as  
34 an employee, or has allowed cigarettes or tobacco products to be sold,  
35 given or delivered to such minor from any such machine, said  
36 commissioner shall assess such [dealer or distributor] owner a civil  
37 penalty of [two hundred fifty] five hundred dollars for the first  
38 violation and [five hundred] seven hundred fifty dollars for a second  
39 violation within eighteen months. For a third violation within eighteen  
40 months, such [dealer or distributor] owner shall be assessed a civil  
41 penalty of [five hundred] seven hundred fifty dollars and any such  
42 machine shall be immediately removed from such establishment and  
43 no such machine may be placed in such establishment for a period of  
44 one year following such removal.

45 (e) Any person aggrieved by any action of the commissioner  
46 pursuant to this section may take any appeal of such action as  
47 provided in sections 12-311 and 12-312.

48 Sec. 2. Section 12-286a of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2007*):

50 (a) Each distributor and each dealer, as defined in section 12-285,

51 shall place and maintain in legible condition at each point of sale of  
 52 cigarettes to consumers, including the front of each vending machine,  
 53 and each restricted cigarette vending machine a notice which states (1)  
 54 that the sale, giving or delivering of tobacco products, including  
 55 cigarettes, to any person under eighteen years of age is prohibited by  
 56 section 53-344, (2) the purchase or misrepresentation of age by a person  
 57 under eighteen years of age to purchase cigarettes or tobacco products  
 58 is prohibited by said section 53-344, and (3) the penalties and fines for  
 59 violating said section 53-344 and section 12-295a, as amended by this  
 60 act.

61 (b) Any person who violates subsection (a) of this section shall be  
 62 fined not more than one hundred dollars.

63 (c) The Commissioner of Consumer Protection may investigate any  
 64 alleged violation of the provisions of subsection (a) of this section and,  
 65 if there appears to be reasonable cause therefor, on reasonable notice to  
 66 any person accused of any such violation, may make complaint to the  
 67 prosecuting authority having jurisdiction of any such complaint or  
 68 may, after notice and a hearing as provided in section 20-321, fine a  
 69 distributor or dealer who violates said subsection (a) one hundred  
 70 dollars per violation. Each day a distributor or dealer fails to post a  
 71 notice in violation of subsection (a) of this section shall be a separate  
 72 violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	12-295a
Sec. 2	October 1, 2007	12-286a

**GL**            *Joint Favorable Subst.*